IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 861 (SS) of 2007

Samdarshi Bisht,
S/o Sri Budhi Singh,
R/o Village Paduli, Patwari Circle,
Papariyana, Tehsil- Chamoli,
District Chamoli. **…… Petitioner.**

Versus

1. State of Uttarakhand through, Secretary, Education, Civil Secretariat, Uttarakhand, Dehradun.
2. Director of Education, Uttarakhand, Dehradun.
3. District Education Officer, Chamoli (Gopeshwar)

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri R.P. Nautiyal, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner, who is working as Assistant Teacher has challenged order dated 05.06.2007 passed by District Education Officer, Chamoli, by which petitioner has been transferred from Junior High School, Bijar, Block- Ghat to Junior High School, Peri, Block- Ghat on the ground of inconsistent subject/ teachers above than standard.

Learned counsel for the petitioner has challenged the impugned order on four grounds. First, petitioner was appointed as Assistant Teacher, Primary School, Kausawa, Block – Gairsain, District-Chamoli on 12.08.1998 and since his date of appointment till date, petitioner is working in durgam and ati durgam areas. Second, petitioner's wife is also Government Servant and there is Government Order that in

case, husband and wife, both are Government Servant, then they may be posted at same / nearest place as far as possible. Third, father of the petitioner is chronic patient and he is not in a position to do his routine work without help of anybody. Fourth, there are three Assistant Teachers before joining of petitioner and one Assistant Teacher came after joining of petitioner but only petitioner has been chosen for transfer by the respondents.

In this regard, petitioner has already moved representation before District Education Officer, Chamoli, for redressal of his grievance (Annexure no. 5 to the writ petition) and the same is still pending.

In these circumstances, I deem it fit and proper to direct the District Education Officer, Chamoli to take decision on the representation of the petitioner dated 28.06.2007 within a period of one week from the date of production of certified copy of this order.

Petitioner is also directed to submit the certified copy of this order before District Education Officer, Gopeshwar, Chamoli within a period of two weeks from today. Till the representation is decided by District Education Officer, Chamoli or till 16th August 2007, whichever is earlier, the impugned order dated 05.06.2007 passed by respondent no. 3, so far as it relates to the petitioner, shall not be given effect to.

With this direction, the writ petition as well as stay application stands disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 12, 2007
SKS